

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JOSHUA W. MURPHY,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00475-JPH-MJD
)	
M. LINCOLN,)	
JARRY ANDERSEON,)	
K. GILMORE,)	
)	
Defendants.)	

**ENTRY SCREENING COMPLAINT
AND DIRECTING ISSUANCE OF PROCESS**

The plaintiff, Joshua Murphy, is currently an inmate at Wabash Valley Correctional Facility ("WVCF"). Because Mr. Murphy is a "prisoner" as defined by 28 U.S.C. § 1915A(c), this Court has an obligation under 28 U.S.C. § 1915A(a) to screen his complaint.

I. Screening Standard

Pursuant to 28 U.S.C. § 1915A(b), the Court must dismiss the complaint if it is frivolous or malicious, fails to state a claim for relief, or seeks monetary relief against a defendant who is immune from such relief. In determining whether the complaint states a claim, the Court applies the same standard as when addressing a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). *See Cesal v. Moats*, 851 F.3d 714, 720 (7th Cir. 2017). To survive dismissal,

[the] complaint must contain sufficient factual matter, accepted as true, to state a claim for relief that is plausible on its face. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.

Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). Pro se complaints such as that filed by Mr. Murphy are construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers. *Cesal*, 851 F.3d at 720 (citing *Perez v. Fenoglio*, 792 F.3d 768, 776 (7th Cir. 2015)).

II. The Complaint

Mr. Murphy names the following WVCF defendants in his complaint: (1) M. Lincoln, programs director; (2) Jarry Anderson, Islamic chaplain, and (3) Kevin Gilmore, Warden. Dkt. 1. Mr. Murphy states that he is a Sunni Muslim and follows the "Figh of the late great Imam Abuu Hanafi." *Id.* at 2. He alleges that he is being forced to follow rules of Islam that his sect does not follow. *Id.* He claims that Jarry Anderson does not follow a Figh, and he is the Indiana Department of Correction's major source on Islamic knowledge. *Id.* at 4. Kevin Gilmore and M. Lincoln, he alleges, make him follow the rules of another Islamic sect. *Id.* Mr. Murphy contends that these actions by the defendants stop him from practicing his religion. *Id.* Mr. Murphy wants all Islamic Fighs to be respected and seeks monetary damages. *Id.* at 5.

III. Discussion of Claims

Mr. Murphy alleges that the defendants have "[r]obbed him of [his] First Amendment" under the Free Exercise Clause and Establishment Clause and the Religious Land Use and Institutionalized Persons Act ("RLUIPA"), 42 U.S.C. § 2000cc *et seq.*, 2000cc-1. *Id.* at 2. Between the two, "RLUIPA provides greater protection" to inmates. *Holt v. Hobbs*, 574 U.S. 352, 135 S. Ct. 853, 862 (2015).

Mr. Murphy's **First Amendment claim shall proceed** against all defendants. Mr. Murphy identifies **RLUIPA** as another basis for his claims – and this claim **shall proceed** against all defendants.

IV. Issuance and Service of Process

The **clerk is directed** to issue process to defendants (1) M. Lincoln; (2) Jarry Anderson; and (3) Kevin Gilmore in the manner specified by Federal Rule of Civil Procedure 4(d). Process shall consist of the complaint (docket 1), applicable forms (Notice of Lawsuit and Request for

Waiver of Service of Summons and Waiver of Service of Summons), and this Entry. The **clerk is directed** to serve the IDOC employees electronically.

V. Conclusion

The claims identified in Part III include all the viable claims identified by the Court. If Mr. Murphy believes that additional claims were alleged in the complaint, but not identified by the Court, he shall have **through February 12, 2021**, to identify those claims.

The **clerk is directed** to issue service of process to defendants in the manner specified in Part IV.

SO ORDERED.

Date: 1/12/2021



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

JOSHUA W. MURPHY
149291
WABASH VALLEY - CF
WABASH VALLEY CORRECTIONAL FACILITY - Inmate Mail/Parcels
6908 S. Old US Hwy 41
P.O. Box 1111
CARLISLE, IN 47838

Electronic service to Indiana Department of Correction:

M. Lincoln
Jarry Anderson
Kevin Gilmore